

3:07cv1010-MHT

**UNITED STATES DISTRICT COURT, FOR THE
MIDDLE DISTRICT, EASTERN DIVISION AT:
MONTGOMERY, ALABAMA**

**REF: REPLY TO DOCUMENT NO. 09, & 10, AND
COPY OF APPEAL FILED. DECEMBER THE 20,
2007.**

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT AT: ATLANTA
GEORGIA, EASTERN DIVISION**

2007 DEC 21 A 8:11

GENE COGGINS
Plaintiff

LURA H. HAGELIN, JR.
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

V:

CIVIL ACTION NO. 3:07-CV-1010 MHT

MIKE COGGINS and
DIANNE HARRELSON
Defendant

MOTION TO APPEAL TO THE U.S. COURT OF APPEALS

COMES NOW, THE PLAINTIFF WITH THIS MOTION TO APPEAL AND REPLY
TO OPINION AND FINAL ORDER ON MOTION, DOCUMENT # 9 &10... THE
PLAINTIFF IS AWARE THAT COST WILL OCCUR IN A JURY TRIAL, THIS IS THE
ONE REASON I FILED A MOTION WITH EVERY CASE, TO USE THE APPENDIX
SYSTEM, TO HELP CONTROL THE COST. THIS MOTION HAS BEEN DENIED IN
EVERY CASE, THAT LEAVES THE ONLY OTHER ALTERATIVE LEGAL METHOD,
GIVEN IN THE GUARANTEED DUE PROCESS OF LAW, A TRIAL BY JURY. WHEN A
CASE LIKE THIS ONE INVOLVES A CONSTITUTION QUESTION, ABOUT
GUARANTEED CONSTITUTION RIGHTS, THAT IS NON - ARGUMENTAL, THEN
THERE CAN BE NO TRIAL BY JURY, MAKING THIS ANOTHER CONSTITUTIONAL
RIGHT VIOLATION BY THE U.S. DISTRICT COURT. WHERE EVERY CITIZEN IS

GUARANTEED THEIR RIGHT TO BE HEARD IN ANY COURT IN THIS LAND.

WHEN THIS CASE IS PRESENTED IN THE UNITED STATES DISTRICT COURT, THE DEFENDANT WAS SERVED WITH A COMPLAINT AND SUMMONS, BY CERTIFIED MAIL, WITH RECEIPT RETURNED TO THE CLERK OF THE COURT, IN AND ACCORDING TO THE FEDERAL RULES OF CIVIL PROCEDURES, 3. 4, 5., ON NOVEMBER 15, 2007.. THIS WAS THE SAME TIME THIS COURT RECEIVED THE PETITION AND SUMMONS AS REQUIRED. FEDERAL RULES OF CIVIL PROCEDURES GIVES THE ONLY METHOD OF SERVICES AS SET BY OUR GOVERNMENT, TO BE HAND DELIVERED BY AN OFFICER OF THE COURT, SENT BY CERTIFIED MAIL, OR PUBLISHED IN THE LOCAL NEWS PAPER. THERE IS NOWHERE IN ANY RULE OF LAW THAT GIVES ANY COURT OR CLERK ANY OTHER METHOD, THE RIGHT TO DISCLAIM ANY SERVICE, STALL, OR TRY TO CHANGE THE TIME OR METHOD USED IN DELIVER OF .THE SUMMONS AND COMPLAINT.

THE SUMMONS STATED THAT THE DEFENDANT HAD TWENTY DAYS TO ANSWER THIS COMPLAINT OR A JUDGMENT BY DEFAULT WOULD BE ENTERED AGAINST YOU. AS OF DECEMBER, TWENTY, 2007, NO ANSWER HAS BEEN RECEIVED BY EITHER PARTY, UNDER RULE 55 - 1 FEDERAL RULES OF CIVIL PROCEDURE, THE CLERK OF THE COURT IS REQUIRED AND MUST ENTER DEFAULT AND DEFAULT JUDGMENT AGAINST THE DEFENDANTS, AS REQUIRED BY LAW WITH ALL JUDGMENT ASKED FOR IN THE COMPLAINT AND MUST BE GRANTED. WHEN THIS DUE PROCESS OF LAW IS NOT FOLLOWED, THEN THE RESPONSIBILITY FOR PAYMENT OF THE JUDGMENT IS LEFT FOR THE COURT

TO FORBEAR. WHEN THE CLERK FAILS TO COMPLY TO THIS LAW, HE HAS BROKEN THE OATH OF OFFICE TO UPHOLD THE CONSTITUTION OF THE UNITED STATES, COMMITTING A FELONY AND PERJURY, THEN THE U.S. DISTRICT ATTORNEY HAS A RESPONSIBILITY TO PROSECUTE HIM. WITH THIS FAILURE TO ANSWER THE COMPLAINT IN THE REQUIRED TIME LEAVES NOTHING FOR THIS COURT TO DECIDE BUT TO ABIDE BY THE ESTABLISHED LAWS AND GUARANTEED DUE PROCESS OF THE UNITED STATES CONSTITUTION.

CONCLUSION:

WHEN ANY DEFENDANT FAILS TO COMPLY TO THE RULES OF LAW, RECEIVED A VALID SUMMONS AND COMPLAINT, NOT RETURNING AN ANSWER WITHIN THE REQUIRED TIME LIMIT, THIS MAKES THEIR ACTIONS, OF NO RESPECT FOR THE RULES OF COURT, DISHONEST DESERVES ALL THE PUNISHMENT OR JUDGMENT ASKED IN THE COMPLAINT. THE DEFENDANTS REMOVED THE GUARANTEED CONSTITUTION RIGHTS, BY NOT REPLYING TO THE COMPLAINT WITHIN THE REQUIRED TIME LIMIT. THE COURT AUTHORITY IN THIS CASE ENDED, AND WAS PLACED IN THE HAND OF THE CLERK BY THE DEFENDANTS NEGLECT. ANY ORDERS, OPINIONS OFFERED FROM THIS COURT, WOULD ONLY INDICATE THAT THIS COURT HAS NO RESPECT FOR THE GUARANTEED DUE PROCESS OF LAW ESTABLISHED IN THE UNITED STATES CONSTITUTION, TO PROVIDE EQUAL JUSTICE TO ALL CITIZENS.

LIKE OTHER CASES PRESENTED IN THIS COURT, I AM SURE THAT THIS ONE WILL BE NO DIFFERENT, FOR ALL HAVE BEEN APPEALED ALL THE WAY TO THE UNITED STATES SUPREME COURT.. WITH THE JUDGMENT BEING TRIPLED FOR EVERY APPEAL, THIS COURT HAS PLACED A HEAVY BURDEN UPON ALL DEFENDANTS.

Gene Coggins
GENE COGGINS

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LANETT, AL 36863



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